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No. 97-2205

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William Wentworth Foster;   *
Jeffrey R. Ferguson,   *
                                       *
        Appellants,   *   Appeal from the United States
                                       *   District Court for the
    v.   *   Eastern District of Missouri.
                                       *   [UNPUBLISHED]
Dora Schriro; Michael Bowersox;   *
Gloria Gourley,   *
                                       *
        Appellees.   *

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Submitted: December 1, 1997

Filed: December 5, 1997

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Before WOLLMAN, LOKEN, and HANSEN, Circuit Judges.

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PER CURIAM.

    William Foster and Jeffrey Ferguson (plaintiffs), Missouri inmates, appeal the adverse grant of summary judgment and dismissal of their claims by the district court[1] in their 42 U.S.C. § 1983 action. Plaintiffs sought to enjoin the implementation of a

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[1]The Honorable E. Richard Webber, United States District Judge for the Eastern District of Missouri.

new inmate personal property policy at Potosi Correctional Center, claiming that it was adopted in retaliation for inmate-filed lawsuits.

We conclude that the district court did not abuse its discretion in denying plaintiffs' motion to hold defendants' dispositive motion in abeyance for additional time to conduct discovery, see Conner v. Reckitt & Colman, Inc., 84 F.3d 1100, 1103 (8th Cir. 1996) (standard of review), that summary judgment was appropriate based on defendants' unrebutted evidence, see Goff v. Burton, 7 F.3d 734, 737-38 (8th Cir. 1993) (to prevail on retaliation claim, prisoner had burden of showing transfer would not have occurred but for inmate's litigation activities), cert. denied, 512 U.S. 1209 (1994), and that dismissal of plaintiffs' other claims was proper. We also conclude that the district court did not abuse its discretion in denying plaintiffs class certification, see Prince v. Endell, 78 F.3d 397, 399 (8th Cir. 1996) (per curiam), or in denying appointment of counsel, see Abdullah v. Gunter, 949 F.2d 1032, 1035 (8th Cir. 1991), cert. denied, 504 U.S. 930 (1992).

The judgment is affirmed.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.